## REMARKS/ARGUMENTS

Claims 1-13 stand in the present application, claims 1-3, 8 and 9 having been amended. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claim 1 on the grounds of non-statutory double patenting over claim 1 of U.S. Patent Application No. 2005/0271069. In order to expeditiously overcome the Examiner's double patenting rejection, Applicants have provided a Terminal Disclaimer attached hereto. Accordingly, the Examiner's double patenting rejection is believed to have been overcome.

The Examiner has also rejected claims 1-13 under 35 U.S.C. § 102(b) as being anticipated by Hill. Applicants respectfully traverse the Examiner's § 102 rejection of the claims.

Applicants' invention is directed to operating the allocation process for each frame as a series of two or more separate stages. Hill does not teach or suggest such an arrangement. Present claim 1 requires that the rule it applies in the first stage limits the number of requests in each queue to be no greater than the frame length, and that this is followed by a subsequent stage.

> (c) generating an allocation for the switch for a frame of a defined number of packets, by *a first stage in which allocation rules are applied such that the number of requests from each input port and to each output port is no greater than the defined frame length*, and *one or more further stages in which allocation rules are applied to allocate requests remaining unallocated by the previous stage*. (emphasis supplied.)

That subsequent stage, if it is to be of any practical use, must necessarily follow a different process, as merely repeating the first stage would not have any effect – no queue remains longer than the frame length, so limiting them to that length a second time will have no further effect. Thus, the passage in Hill cited by the Examiner (page 5, lines 3-7) cannot anticipate Applicants' invention as it would require the *iterative* application of step "c."

More particularly, what the cited passage of Hill does require is that, on each iteration, each input/output queue is allocated a single request, unless the maximum capacity of the output port has already been reached (on a previous iteration). This significantly differs from the above described requirement of present claim 1. Accordingly, claim 1 and its dependent claims 2-13 patentably define over Hill.

Claim 2 has been amended to clarify Applicants' invention. Support for the amendment can be found in the present specification at page 10, lines 5-6.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-13, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

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